PATENT APPLICATION
Attorney Docket No: 1235-6 (SP2003)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(S):	Jae-Goo CHOI et al.	**EXAMINER:**	ALAM, Fayaz
APPLICATION NO.:	10/675,635	**ART UNIT:**	2618
FILING DATE:	September 30, 2003	**DATED:**	May 16, 2011

FOR: **KEYPAD ASSEMBLY FOR PORTABLE RADIO TELEPHONE AND METHOD OF CONTROLLING THE SAME**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

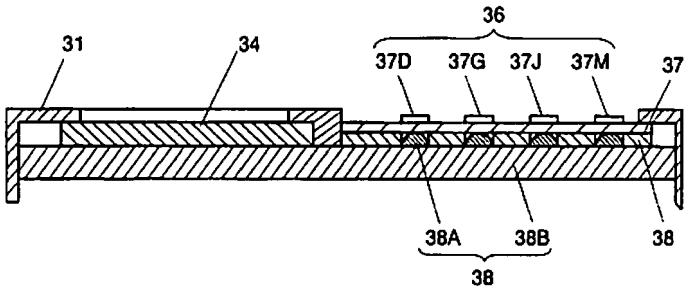
In response to the Examiner's Answer mailed March 16, 2011, Appellants respectfully submit that based on at least the arguments provided in the Appeal Brief originally submitted on December 15, 2010, Claims 1-8 are patentable over the applied references. The following comments are respectfully submitted in order to address statements made in the Examiner's Answer.

Regarding the rejection of independent Claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Bick* (U.K. Pat. App. No. GB 2,367,530) in view of *Miyajima et al.* (U.S. 6,518,958), it was previously argued that *Miyajima* fails to teach or suggest "a plurality of key buttons being integrally formed with each other and being positioned such that top planar surfaces of the plurality of key buttons form a single, substantially planar touch screen panel with no spacing in between the top planar surfaces of adjacent keys among the plurality of key buttons," as recited in independent Claim 1.

Specifically, Appellants argued FIG. 2 of *Miyajima* is a side perspective of the phone illustrated in FIG. 1, and FIG. 2 clearly shows that the top planar surfaces of the plurality of key buttons (37D, 37G, 37J, and 37M) are spaced far apart, and therefore do not form a single, substantially planar touch screen panel with no spacing in between the top planar surfaces of adjacent keys among the plurality of key buttons, as recited in independent Claim 1.

In response to this argument, starting in the last paragraph on page 12 of the Examiner's Answer, the Examiner states that 37D, 37G, 37J, and 37M are only markings and not actual separate key button. The Examiner then states that the actual key buttons are the elements labeled 38, 38A, and 38B, which are underneath touch panel switch 37. Applicants disagree.

FIG. 2



First, in *Miyajima*, element 38 is a membrane switch, element 38A is a conductive diaphragm, and element 38B is a printed circuit board. If anything, "a key" in *Miyajima*, is not formed by elements labeled 38, 38A, and 38B, as cited by the Examiner, but by elements 37D and 38A. Therefore, 37D, 37G, 37J, and 37M are the top planar surfaces of the plurality of key buttons, which are spaced far apart, and therefore do not form a single, substantially planar touch screen panel

with no spacing in between the top planar surfaces of adjacent keys among the plurality of key buttons, as recited in independent Claim 1.

Even if the Examiner wants to identify element 38A alone as being a key, *Miyajima* still would not teach or suggest a plurality of key buttons being integrally formed with each other and being positioned such that top planar surfaces of the plurality of key buttons form a single, substantially planar touch screen panel with no spacing in between the top planar surfaces of adjacent keys among the plurality of key buttons, as the top surface of each conductive diaphragm 38A is rounded, and space apart from each other, as is clearly illustrated in FIGs. 1 and 2.

Additionally, Appellants argued that FIG. 2 illustrates the plurality of key buttons (37D, 37G, 37J, and 37M) having side regions that are perpendicular to the touch panel switch 37, and that this further contradicts the Examiner's assertion that *Miyajima* teaches top planar surfaces of the plurality of key buttons form a single, substantially planar touch screen panel with no spacing in between the top planar surfaces of adjacent keys among the plurality of key buttons.

In response, the Examiner cites FIG. 2 of the present application. However, FIG. 2 of the present application is not being examined, independent Claim 1 is. Further, while the embodiment illustrated in FIG. 2 shows side regions, the embodiment illustrated in FIG. 3 does not. FIG. 3 illustrates "a plurality of key buttons being integrally formed with each other and being positioned such that top planar surfaces of the plurality of key buttons form a single, substantially planar touch screen panel with no spacing in between the top planar surfaces of adjacent keys among the plurality of key buttons," as recited in independent Claim 1.

As admitted by the Examiner, *Bick* fails to teach or suggest "a plurality of key buttons being integrally formed with each other and being positioned such that top planar surfaces of the plurality of key buttons form a single, substantially planar touch screen panel with no spacing in between the

top planar surfaces of adjacent keys among the plurality of key buttons," as recited in independent Claim 1.

It is well settled that in order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.

The Examiner has failed to show that all of the recitations of Claims 1 are taught or suggested by *Bick* in view of *Miyajima*. Accordingly, the Examiner has failed to make out a *prima facie* case for an obviousness rejection.

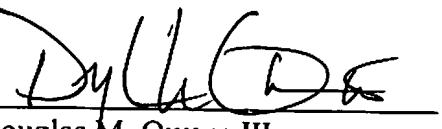
Independent Claims 4 and 7 include similar recitations as independent Claim 1. Therefore, based on the same arguments presented above for independent Claim 1, independent Claims 4 and 7 are also patentably distinct over *Bick* in view of *Miyajima*.

Without conceding the patentability per se of dependent Claims 2, 3, 5, 6, and 8, these claims are patentable over the Examiner's cited art, at least for being dependent upon independent Claims 1, 4, 8, and 10, respectively.

The Examiner has failed to show that all of the recitations of Claims 1-8 are taught or suggested by *Bick* in view of *Miyajima*. Accordingly, the Examiner has failed to make out a *prima facie* case for an obviousness rejection.

As the Examiner has failed to make out a *prima facie* case for the obviousness rejection, the rejections of Claims 1-8 must be reversed.

Dated: May 16, 2011

By: 
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